

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 18-292
)	
ROBERT BOWERS)	

**MOTION TO EXTEND THE
TIME FOR FILING PRETRIAL MOTIONS**

Defendant, Robert Bowers, through undersigned counsel, respectfully requests that the pretrial motions deadline be continued for 90 days, or until July 19, 2021 – a date that both accommodates prior briefing schedules set by the Court and takes into account the need for the filing of additional pretrial motions. In support of this motion, counsel states as follows:

1. Pursuant to this Court’s prior order, pretrial motions are currently due on or before April 20, 2021. (Doc. 420).

2. Due to the nature of the prosecution, which includes the government’s Notice of Intent to Seek the Death Penalty (*see* Doc. 86), and the voluminous discovery, this Court has previously concluded that this case is “complex” within the meaning of the Speedy Trial Act, 18 U.S.C § 3161(h)(7)(B)(ii). (Docs. 52, 85, 108 and 225).

3. Mr. Bowers has researched, drafted and filed numerous pretrial motions and pleadings in this case. (*See* Docs. 60, 101, 102, 111, 152, 153, 154, 155, 156, 157, 158, 162, 163, 164, 231, 237, 239, 241, 244, 288-302, 333, 336, 338, 347, 375, 377-386, 402-405 and 410.)

4. Since the last time the pretrial motions deadline was extended on January 22, 2021, the defense has researched, drafted and filed a number of additional motions and pleadings. These include a Reply to the Government's Response to Defendant's Motion to Exclude DNA Evidence and Request for *Daubert* Hearing and for Discovery (Doc. 427); Reply to the Government's Response to Defendant's Motion to Exclude Firearm Toolmark Evidence and Request for a *Daubert* hearing and for Discovery (Doc. 433); Motion for Leave to File a Supplement to the Motion to Exclude DNA Evidence (Doc. 435); Motion to Compel the Production of Information Related to the Government's Awareness, Monitoring, and Documentation of Mr. Bowers' Online Activity Prior to the Alleged Offenses (Doc. 437); and Supplement to Defendant's Motion to Exclude DNA Evidence (Doc. 438).

5. Mr. Bowers is currently awaiting full receipt of the jury records that the Court ordered the Clerk of the Court to produce. (Doc. 206.) The parties have been ordered to meet with the Clerk's Office for the purpose of resolving any questions, clarifications or other issues related to the Clerk's production. (Doc. 443.) That meeting is currently set for Tuesday, April 20, 2021. Counsel are to submit any remaining questions in writing to the Clerk's Office within 14 days of the meeting. Pursuant to the Court's order, Mr. Bowers' motion challenging the jury plan is due 30 days after (1) any additional Clerk's Office production as a result of the above meeting, or (2) any additional Clerk's Office production relating to the amendment of Section 9 of the Jury Plan, whichever is later. The government's response is due 30 days thereafter, with Mr.

Bowers' reply due 14 days after that. (*Id.*) These due dates will be significantly later than the current pretrial motions deadline of April 20, 2021.

6. As set forth above, the defense has worked diligently and made good use of every continuance of the pretrial motions deadline previously granted by the Court. Nevertheless, this Court has already set filing deadlines that extend beyond the current April 20, 2021 deadline, and much work remains.

7. In light of the foregoing, counsel for Mr. Bowers request that the Court extend the deadline for filing pretrial motions for 90 days, from April 20, 2021 to July 19, 2021.

Respectfully submitted,

/s/ *Judy Clarke*

Judy Clarke

Clarke Johnston Thorp & Rice, PC

/s/ *Michael J. Novara*

Michael J. Novara

First Assistant Federal Public Defender

/s/ *Elisa A. Long*

Elisa A. Long

Supervisory Assistant Federal Public Defender